

CHAPTER 102
SECONDARY ROAD FUND DISTRIBUTION COMMITTEE

761—102.1(312) Purpose. The purpose of these rules is to adopt the initial formulas to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund and to formalize the process by which the secondary road fund distribution committee will administer its duties.

102.1(1) Iowa Code Supplement section 312.3C creates a secondary road fund distribution committee and requires the committee to be comprised of representatives appointed by the president of the Iowa county engineers association, the president of the Iowa state association of county supervisors, and the department of transportation.

102.1(2) Iowa Code Supplement section 312.3C requires the secondary road fund distribution committee to:

a. Determine the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund. The methodology shall be phased in over a five-year period, beginning July 1, 2006.

b. Adopt rules to govern the determination and modification of the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund.

102.1(3) Iowa Code Supplement section 312.3B requires the Iowa county engineers association service bureau to annually compute secondary road fund and farm-to-market road fund distributions using the methodology determined by the secondary road fund distribution committee.

761—102.2(312) Initial formulas.

102.2(1) The secondary road fund distribution committee adopts the recommendations in the report entitled “Final Report, Secondary Road Fund Distribution Advisory Committee, 2002 to 2005” as the initial formulas to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund to counties, beginning July 1, 2006. This report is on file with the department of transportation and is available on the Internet at the following address: <http://publications.iowa.gov/archive/00002456>. The report’s recommendations contain one formula for distribution of secondary road funds and one formula for distribution of farm-to-market road funds and describe the components of each formula.

102.2(2) Each formula shall be phased in over a five-year period commencing July 1, 2006; during that time period, secondary road funds and farm-to-market road funds shall be distributed to counties as follows:

- a.* Fiscal year 2007 – 80 percent needs-based methodology and 20 percent formula.
- b.* Fiscal year 2008 – 60 percent needs-based methodology and 40 percent formula.
- c.* Fiscal year 2009 – 40 percent needs-based methodology and 60 percent formula.
- d.* Fiscal year 2010 – 20 percent needs-based methodology and 80 percent formula.
- e.* Fiscal year 2011 – 100 percent formula.

“*Needs-based methodology*” means the methodology used for fiscal year 2006, pursuant to Iowa Code section 312.3, subsection 1, and Iowa Code section 312.5, as these statutes existed in the Code of Iowa, 2005.

“*Formula*” means the appropriate formula (secondary road fund or farm-to-market road fund) as set out in the recommendations adopted in subrule 102.2(1).

761—102.3 and 102.4 Reserved.

761—102.5(312) Composition and membership of the secondary road fund distribution committee.

102.5(1) The secondary road fund distribution committee shall be composed of six county engineers, six county supervisors, and two representatives of the department of transportation.

102.5(2) The county engineers shall be appointed by the president of the Iowa county engineers association, the county supervisors shall be appointed by the president of the Iowa state association of county supervisors, and the department of transportation representatives shall be appointed by the department of transportation.

102.5(3) The county engineer members and the county supervisor members shall be selected according to the population of their counties, as follows:

- a. Two county engineers and two county supervisors from large counties.
- b. Two county engineers and two county supervisors from medium counties.
- c. Two county engineers and two county supervisors from small counties.

102.5(4) To the extent possible, the committee shall be geographically diverse, and no county may have both an engineer and a supervisor as members simultaneously.

102.5(5) All county members shall be voting members. The department of transportation representatives shall be nonvoting members.

761—102.6(312) Terms of office and rotation of seats.

102.6(1) Committee members shall serve six-year terms; however, shorter terms shall apply to members of the initial committee, as described in subrule 102.6(3) below. Terms of office shall begin on January 1 in the year of appointment and expire on December 31 in the year of expiration. Members may be reappointed to serve consecutive terms.

102.6(2) Rotations shall be staggered so that no more than two county members are rotated off the committee in any single year.

102.6(3) The initial committee is the committee in existence on July 1, 2005. The terms of office and rotations of seats for members of the initial committee shall be as shown in the following table:

Year	County Engineer Members	County Supervisor Members	Initial Term Length	Initial Term Ending Date
CY 2006	Large county A	Small county A	1 year	12/31/2006
CY 2007	Medium county A	Medium county A	2 years	12/31/2007
CY 2008	Small county A	Large county A	3 years	12/31/2008
CY 2009	Large county B	Small county B	4 years	12/31/2009
CY 2010	Medium county B	Medium county B	5 years	12/31/2010
CY 2011	Small county B	Large county B	6 years	12/31/2011

The initial committee shall, by resolution and in accordance with this table, assign initial term ending dates to apply to its members.

102.6(4) As initial terms expire, the incumbents may be reappointed or replaced. Each new term shall be for a full six-year period.

102.6(5) If a committee member is unable to complete a term of office for any reason, a replacement member of the same class (county engineer or county supervisor) and from the same group (a large, medium or small county) shall be appointed to serve the balance of the term.

102.6(6) The committee shall select from its membership a chair and a vice-chair to serve one-year terms. The chair and vice-chair serve at the pleasure of the committee and may be elected to multiple terms as the committee deems appropriate. The vice-chair shall preside at a meeting in the absence of the chair.

761—102.7(312) Committee meetings. Committee meetings shall be held at the call of the chair or when two committee members so request. Committee meetings shall be conducted in accordance with Iowa Code chapter 21. Committee meetings may be held electronically, in accordance with Iowa Code section 21.8. The committee shall meet at least once annually.

102.7(1) Each county member is a voting member and is eligible to vote at every committee meeting the member attends. Attendance may include members who are present at the meeting electronically through a telephone conference call, an Iowa communications network connection or other electronic means deemed appropriate by the chair.

102.7(2) A minimum of eight voting members is required for a quorum. If a quorum is not present at a meeting, the meeting shall be rescheduled.

102.7(3) A majority of voting members shall be required to pass ordinary items of business.

102.7(4) A resolution to propose a new or modified secondary road fund distribution formula or farm-to-market road fund distribution formula shall require ten affirmative votes.

102.7(5) A resolution to adopt, amend or rescind administrative rules shall require ten affirmative votes.

102.7(6) In addition to the requirements of Iowa Code chapter 21, the chair shall post meeting agendas on the Iowa county engineers association Web site and the Iowa state association of county supervisors Web site and shall send copies of agendas to all county engineers and supervisors.

102.7(7) Minutes of each meeting shall be kept; the presiding chair shall be responsible for the minutes. Minutes of a meeting shall be presented to the committee for approval at its next meeting. The chair shall post approved minutes on the Iowa county engineers association Web site and the Iowa state association of county supervisors Web site and shall file the minutes with the office of systems planning of the department of transportation.

761—102.8 and 102.9 Reserved.

761—102.10(312) Considerations for a new or modified distribution formula. A distribution formula that is proposed in accordance with rule 761—102.11(312) should substantially meet the following objectives:

1. Funding levels to counties should be relatively stable, with only small changes occurring from year to year.
2. The formula should be able to factor in changes in population, mileages, the centerline lineal feet of bridges, and traffic levels as they occur over time, without needing to be revised.

761—102.11(312) Process for approval of a new or modified distribution formula.

102.11(1) Proposals to adopt a new or modified distribution formula may be initiated by the committee itself or by the executive board of either the Iowa county engineers association or the Iowa state association of county supervisors upon request to the committee.

102.11(2) When a formula change has been initiated or requested, the committee shall meet, establish a work plan, and set up a work schedule.

102.11(3) The committee shall conduct such studies, research, development, and testing as are required to evaluate the proposal and shall, within 18 months after initiation or receipt of the proposal, publish an official report outlining the committee's findings and recommendations.

102.11(4) If the official report recommends adoption of a new or modified distribution formula, the chair shall communicate the details of the committee's recommendations to all county engineers, all county supervisors and the department of transportation in such a manner as the committee deems appropriate. This communication shall solicit comments on the committee's recommendations.

102.11(5) After receipt and consideration of comments from counties, the committee may adopt a resolution that formally proposes a distribution formula and places it into official consideration.

102.11(6) The chair shall forward the resolution to the executive boards of both the Iowa county engineers association and the Iowa state association of county supervisors, with a request for endorsement of the proposed distribution formula.

102.11(7) If both executive boards endorse the proposed distribution formula, the chair shall request each individual county to consider and adopt a resolution in favor of or in opposition to the proposed distribution formula.

102.11(8) If at least 66 counties adopt resolutions in favor of the proposed distribution formula, the distribution formula is adopted without further committee action.

102.11(9) The chair shall notify the following organizations and groups when the distribution formula has been adopted:

- a. The executive board of the Iowa county engineers association.
- b. The executive board of the Iowa state association of county supervisors.
- c. The office of systems planning of the department of transportation.
- d. The office of the treasurer of state.

- e.* All county engineers and county supervisors.
- f.* The Iowa county engineers association service bureau.

761—102.12(312) Judicial review. Any county that is aggrieved or adversely affected by a decision of the secondary road fund distribution committee may seek judicial review of such agency action under the provisions of Iowa Code section 17A.19.

761—102.13(312) Severability clause. If any section, provision, or part of these rules is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of these rules as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

These rules are intended to implement Iowa Code Supplement section 312.3C.

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